

PROCEEDINGS OF THE COMMON COUNCIL

IN REGULAR SESSION
TUESDAY, OCTOBER 10, 19 78

CITY OF FORT WAYNE INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening October 10 A.D., 19 78, in
Regular Session. President Samuel J. Talarico in the chair,
and Charles W. Westerman Clerk, at the desk, present the following
members _____ viz:

BURNS ✓, HINGA ✓, HUNTER ✓,
MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,
VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,
ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by _____

Received report from the City Controller for the month of _____,
19 _____. Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular September 12 & 26, 19 78,

_____, 19 _____,
Special August 28, 19 78,

Session having been delivered to the Council, were, on motion, approved and
published.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 58/78/D

53

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 53/78/D)

I hereby certify that I did this 27th day of September, 19 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 53/78/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman ~~Secretary~~ of said Board, in accordance with the provisions of Section 7-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Terry Coonan

Chairman
~~EXECUTIVE SECRETARY~~

REGULATORY RESOLUTION NO. 53/78D

(Adopted September 27, 1978.)

WHEREAS, Section 17-4(a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING (DELEGATED)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 26, 1978, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective September 27, 1978, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING _____ (DELEGATED)

Kinnaird Ave. -- north side -- from Fairfield Ave. to 150 ft. east thereof (alley)

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public
Safety Regulatory Resolution Number: 54/78/E

For the purpose of enforcement, please make this communication and
the attached Regulatory Resolution a matter of record and incorporate
it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan
Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 54/78/E)

I hereby certify that I did this 2nd day of
October, 1978 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
Regulatory Resolution No. 54/78/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman
~~Secretary~~ of said Board, in accordance with the provisions
of Section 17-4(a) of Chapter 17, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordinance
G-55, adopted FEB. 14, 1961.

Larry Coonan

Chairman

~~EXECUTIVE SECRETARY~~

REGULATORY RESOLUTION NO. 54/78/E

(Adopted October 2, 19 78)

WHEREAS, Section 7-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to SPEED LIMIT 40 MPH (EMERGENCY), ~~DELETE: SPEED~~

LIMIT 45 MPH (EMERGENCY)

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated September 27, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 7-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective October 2,

19 78, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

SPEED LIMIT 40 MPH (EMERGENCY)

St. Joe Road -- from -- St. Joe Center Road to Evard Road

~~DELETE:~~

SPEED LIMIT 45 MPH (EMERGENCY)

St. Joe Road -- from -- St. Joe Center Road to Evard Road

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 55/78/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,


Terry Coohan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 55/78-D)

I hereby certify that I did this 6th day of October, 1978 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 55/78/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman ~~Secretary~~ of said Board, in accordance with the provisions of Section 7-4 (a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Jerry Coonan

Chairman

~~EXECUTIVE SECRETARY~~

REGULATORY RESOLUTION NO. 55/78D

(Adopted October 6, 19 78)

WHEREAS, Section 7-4(a) (2), Chapter 17 Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING (DELEGATED),
DELETE: NO PARKING (DELEGATED)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated October 4, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 121 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective October 6, 19 78, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (DELEGATED)

Richardson Street -- north side -- from a point 205 feet east of Rumsey Ave. to 60 ft. east thereof

DELETE:
NO PARKING (DELEGATED)

Richardson Street -- north side -- from a point 155 ft. east of Rumsey Ave. to 50 ft east thereof



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

9 October 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

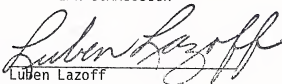
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-08-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
9th day of October 1978.


Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

9 October 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held August 28, 1978. In addition to the reasons outlined in the resolution, the following are remarks pertaining to the ordinance:

1. Bill No. Z-78-08-09
2. From "R1" to "R3"
3. Intended Use: Professional Offices
4. Plan Commission Recommendation: DO PASS with conditions.

CONDITIONS:

- a. The petitioner will submit a restrictive covenant, signed by all property owners included in this petition, excluding the use of the properties for multi-family purposes.
- b. The petitioner will dedicate 10 feet of right-of-way on both E. State Blvd., and Reed Road for future road improvements.

(See attached covenant.)

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning & Zoning

Gary F. Baeten
Senior Planner

GFB:pb

Attachments:

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-08-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

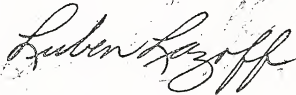
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

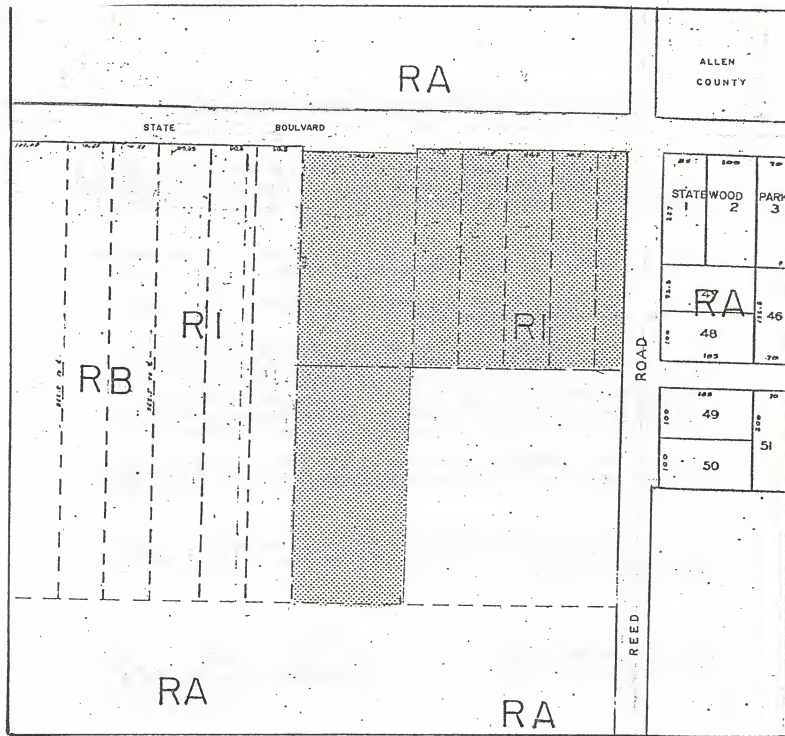
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this
9th day of October, 1978.



Luben Lazoff
Secretary



ALLEN
COUNTY

100'	100'	70'
STATEWOOD 1	PARK 3	
327	2	3
328	46	48
100'	100'	70'

100'	100'	70'
49	50	51
100'	100'	70'



RESTRICTIVE COVENANTS

THIS AGREEMENT made this 1st day of September, 1978, by and between WILLIAM D. SWIFT, TRUSTEE, JOHN D. CHRISTMAN, WAYNE BROCKMAN, BRUCE PATTERSON, and RICHARD DAUGHERTY and THERESA DAUGHERTY, husband and wife, (hereinafter referred to "Owners") and the DIVISION OF LONG RANGE PLANNING & ZONING OF THE CITY OF FORT WAYNE (also known as the City Plan Commission) and the COMMON COUNCIL OF THE CITY OF FORT WAYNE (hereinafter collectively referred to as "City"), AND WITNESSETH:

WHEREAS, William D. Swift, Trustee, is the owner of the fee simple title to the following described real estate, to-wit:

Five (5) acres in; the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the North line of the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, said point being located 457 feet West of the Northeast corner of the said East one-half of the Southeast Quarter of said Section 32, Township 31 North, Range 13 East; thence South 0 degrees 10 minutes West, a distance of 962.5 feet; thence West, a distance of 226.28 feet; thence North 0 degrees 10 minutes East, a distance of 962.5 feet to the aforementioned North line of the East One-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East one-half of the Southeast Quarter of said Section 32, a distance of 226.28 feet to the point of beginning; containing 5 acres of land more or less;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO EXCEPT that part thereof dedicated for widening of State Street by instrument recorded as Document No. 76-15170.

WHEREAS, John D. Christman is the owner of the fee simple title to the following described real estate, to-wit:

The West 90.50 feet of the East 457.0 feet of the North 481.25 feet of the East 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970.

WHEREAS, Wayne Brockman is the fee simple owner and Bruce Patterson is the contract purchaser of the following described real estate, to-wit:

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO,

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet; thence North 10 minutes East, a distance of 485.1 feet to the North line of the East Half of the Southeast Quarter of Section 32 Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

WHEREAS, Richard Daugherty and Theresa Daugherty, husband and wife, are the owners of the fee simple title to the following described real estate, to-wit:

1.08 acres of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana; thence South 10 minutes West along East line of the said East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 485.1 feet; thence West a distance of 95.0 feet; thence North 10 minutes East a distance of 485.1 feet to the North line of the said East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 95.0 feet to the place of beginning;

ALSO,

1.0 acre of land in the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, the said point being situated 95.0 feet west of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence west a distance of 90.5 feet; thence north 10 minutes east a distance of 485.1 feet to the north line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning, containing 1.00 acre of land, more or less.

Subject to road rights of way for State Street and Reed Road.

WHEREAS, all of the above-described real estate is presently zoned R-1 and the Owners have petitioned the City to amend the Zoning Map of Fort Wayne by reclassifying all of the above real estate from an R-1 district to an R-3 district;

WHEREAS, The City is agreeable to such an amendment, provided the Owners will impose certain restrictive covenants upon said real estate and agree to grant to the City additional right-of-way on East State Street to permit fifty (50) feet of right of way and on Reed Road to permit fifty (50) feet of right of way for a distance of 300 feet south from its intersection with East State Street.

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. City shall amend its Zoning Ordinance to change the zoning classification to R-3 for all of the above described Real Estate.
2. Owners covenant and agree that said Real Estate shall be and is subject to the following restriction:


Said Real Estate as herein described shall never be used for multi-family dwellings. This covenant shall run with the land for the benefit and burden of the parties hereto and their heirs, devisees, legatees, grantees, successors and assigns and of persons occupying or using said real estate under them and shall be enforceable by the CITY PLAN COMMISSION or the COMMON COUNCIL OF THE CITY OF FORT WAYNE or their successors.

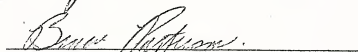
3. Owners hereby agree to join in a Street Dedication granting and dedicating to the City of Fort Wayne and to the public a strip of land for street improvement purposes that will establish 50 feet of right-of-way South of the centerline of East State Boulevard and 50 feet of right-of-way West of the centerline of Reed Road for a distance of 300 feet south from its intersection with the centerline of East State.

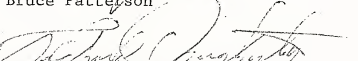
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

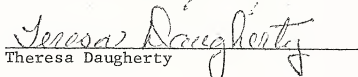

William D. Swift, Trustee


John D. Christman


Wayne Brockman


Bruce Patterson


Richard Daugherty


Theresa Daugherty

DIVISION OF LONG RANGE PLANNING &
ZONING OF THE CITY OF FORT WAYNE
(a/k/a CITY PLAN COMMISSION)

Robert Szoff

Secretary, Fort Wayne City Plan Commission

COMMON COUNCIL OF THE CITY OF FORT
WAYNE

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, a Notary Public in and for said County and State, this
1st day of September, 1978, personally appeared William D. Swift,
Trustee, John D. Christman, Wayne Brockman, Bruce Patterson, Richard
Daugherty and Theresa Daugherty, each over the age of 18 years, and
acknowledged their execution of the foregoing as their free and
voluntary act and deed. Witness my hand and notarial seal.

My Commission Expires:
January 8, 1981

Carol L. Gilbert

Carol L. Gilbert, Notary Public
(Resident, Allen County, Indiana)

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, a Notary Public in and for said County and State, this
____ day of September, 1978, personally appeared _____
and _____ of the Division of Long Range Planning &
Zoning of the City of Fort Wayne (a/k/a City Plan Commission), and
acknowledged the execution of the foregoing instrument for and on
behalf of said City Plan Commission and by its authority. In wit-
ness whereof, I have hereunto subscribed my name and affixed my
official seal.

My Commission Expires:

Notary Public
(Resident, Allen County, Indiana)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 October 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution of the City Plan Commission concerning an annexation.

The proposed annexation ordinance is designated as:

Bill No. X-77-05-22

The Plan Commission resolution recommends that the territory referred to in the ordinance and resolution be annexed to the City.

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff
Secretary

Certified and signed this
3rd day of October, 1978.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

9 October 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-08-34

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
9th day of October, 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

9 October 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held September 25, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-08-34
2. From "RB" to "B1B"
3. Intended Use: First Federal Savings & Loan Association
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The rezoning of this property is a logical extension of a commercial use.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning & Zoning

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

Attachments:

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-08-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1978;

NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

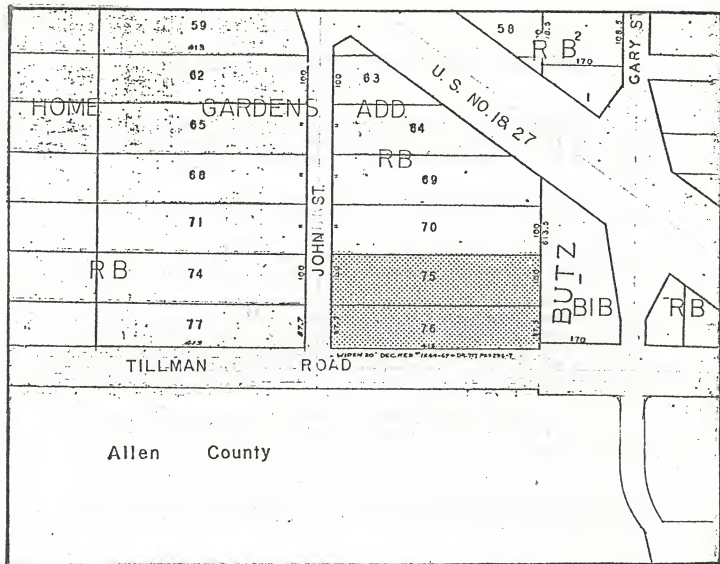
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1978.

Certified and signed this
9th day of October, 1978.

A handwritten signature in dark ink, appearing to read 'Luben Lazoff', written in a cursive style.

Luben Lazoff
Secretary



REZONE FROM RB TO BIB

MAP NO. N-27

Z-78-08-34

BY M.F.C. 8-3-78





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

September 28, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, September 28, 1978, I have approved the following ordinances passed by the Common Council at its regular meeting of September 26, 1978.

(Bill No. A-78-09-01)

APPROPRIATION ORDINANCE NO. A-26-78

AN ORDINANCE appropriating additional funds from Aviation General Fund 20 to an Account of the 1978 Budget of the Board of Aviation Commissioners

(Bill No. A-78-09-02)

APPROPRIATION ORDINANCE NO. A-27-78

AN ORDINANCE appropriating additional funds from Anti-Recession Fund #36 to certain accounts of certain departments of the City

(Bill No. S-78-09-04)

SPECIAL ORDINANCE NO. S-157-78

AN ORDINANCE approving an Agreement to purchase Real Estate from Clara M. Reardon for Neighborhood Care, Inc.

(Bill No. S-78-09-05)

SPECIAL ORDINANCE NO. S-158-78

AN ORDINANCE approving an Agreement to purchase Real Estate from Laura E. Brown for Neighborhood Care, Inc.

(Bill No. S-78-09-06)

SPECIAL ORDINANCE NO. S-159-78

AN ORDINANCE approving an Agreement to purchase Real Estate from David Hartman for Neighborhood Care, Inc.

(Bill No. R-78-09-52)
(as amended)
RESOLUTION NO. R-41-78

A RESOLUTION APPROVING THE ACCEPTANCE OF THE OFFER TO PURCHASE
INBALCO UTILITY ASSETS

(Bill No. R-78-09-03)
RESOLUTION NO. R-42-78

AN ORDINANCE transferring and reappropriating \$6,500.00 in the 1978 Budget
of the Police Department

(Bill No. R-78-09-51)
RESOLUTION NO. R-44-78

A RESOLUTION authorizing the issuance and sale of \$1,200,000.00 Economic
Development Revenue Bonds (Don Ayres Pontiac, Inc. and Paul A. Bradtmiller
Project) of the City of Fort Wayne, Indiana, for the purpose of defraying the
cost of acquiring facilities, authorizing the execution of the necessary instruments
providing for the pledge of revenues for the payment of said bonds, authorizing
a mortgage and indenture of trust appropriate for the protection and disposition
of such revenues, and authorizing the sale of said bonds.

(Bill No. Z-78-07-17)
ZONING MAP ORDINANCE NO. Z-20-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. DD13

(Bill No. G-78-07-16)
GENERAL ORDINANCE NO. G-24-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation
of a certain alley

(Bill No. G-78-09-16)
GENERAL ORDINANCE NO. G-25-78

AN ORDINANCE REPEALING SEC. 15 OF CHAPTER 8 OF THE MUNICIPAL CODE
OF THE CITY OF FORT WAYNE, INDIANA, 1946, 1959 EDITION ALSO CITED
AS SEC. 5-28 OF THE CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974

(Bill No. R-78-09-40)
RESOLUTION NO. R-45-78

A RESOLUTION SUPPORTING PLAN FOR TRICK OR TREATING IN NEIGHBORHOOD
SHOPPING CENTERS AND COMMENDING THE SPONSORING ORGANIZATIONS

(Bill No. S-78-09-18)
SPECIAL ORDINANCE NO. S-160-78

AN ORDINANCE approving a contract for Improvement Resolution No. 5808-1978, between the City of Fort Wayne, Indiana and Carrington & Associates, Inc. for construction of sidewalks and curbs

(Bill No. S-78-09-19)
SPECIAL ORDINANCE NO. S-161-78

AN ORDINANCE approving a contract for Improvement Resolution No. 3804-1978, between the City of Fort Wayne, Indiana and Reith-Riley Construction Co., Inc. for construction of sidewalks and curbs

(Bill No. S-78-09-20)
SPECIAL ORDINANCE NO. S-162-78

AN ORDINANCE approving Contract #77-W-4 between the City of Fort Wayne, Indiana and Worthington Pump, for materials for St. Joe Dam Pumping Station

(Bill No. S-78-09-21)
SPECIAL ORDINANCE NO. S-163-78

AN ORDINANCE approving Contract #77-W-3 between the City of Fort Wayne, Indiana and Shambaugh & Sons for improvements to the Water Filtration Plant

(Bill No. S-78-09-22)
SPECIAL ORDINANCE NO. S-164-78

AN ORDINANCE approving Contract #77-W-2 between the City of Fort Wayne, Indiana and Hagerman Construction - Shambaugh, joint bidders for improvement to Three Rivers Water Filtration Plant

(Bill No. S-78-09-23)
SPECIAL ORDINANCE NO. S-165-78

AN ORDINANCE approving City Utilities Purchase Order No. 0231 with Newberry Construction Company for materials for the Three Rivers Filtration Plant

(Bill No. S-78-09-24)
SPECIAL ORDINANCE NO. S-166-78

AN ORDINANCE approving City Utilities Purchase Order No. 0229 with Wayne Pipe and Supply for materials for the Water Maintenance and Service Dept.

(Bill No. S-78-09-25)
SPECIAL ORDINANCE NO. S-167-78

AN ORDINANCE approving City Utilities Purchase Order No. 0223 with MacDonald Machinery Company for materials for the Water Maintenance & Service Dept.

(Bill No. S-78-09-26)
SPECIAL ORDINANCE NO. S-168-78

AN ORDINANCE approving City Utilities Purchase Order No. 0223 with WEMCO Division % Envirotech Corp. for materials for the Water Pollution Control Plant

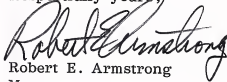
(Bill No. G-78-09-27)
GENERAL ORDINANCE NO. G-26-78

AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA, CONCERNING THE CONSTRUCTION OF EXTENSIONS AND ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF, AND MATTERS CONNECTED THEREWITH

(Bill No. G-78-09-28)
GENERAL ORDINANCE NO. G-27-78

AN ORDINANCE amending General Ordinance No. G-09-76 establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith

Respectfully yours,


Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

September 28, 1978

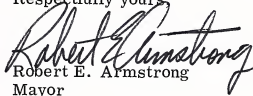
To the Common Council
Gentlemen and Mrs. Schmidt:

Today, September 28, 1978, I have approved the following ordinance passed by the Common Council at its regular meeting of September 26, 1978.

(Bill No. R-78-09-47)
RESOLUTION NO. R-43-78

A RESOLUTION approving Section 8 Project

Respectfully yours,


Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-08-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of September, 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held September 25, 1978. In addition to the reasons outlined in the resolution the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-08-11
2. From "R2" to "R1"
3. Intended Use: Single Family Residence
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The petition along with having total support from the neighborhood, will reflect the present land use, which is single family.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning &
Zoning

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1978, referred a proposed zoning map amendment to the City Plan Commission, which proposed ordinance was designated as Bill No. Z-78-08-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

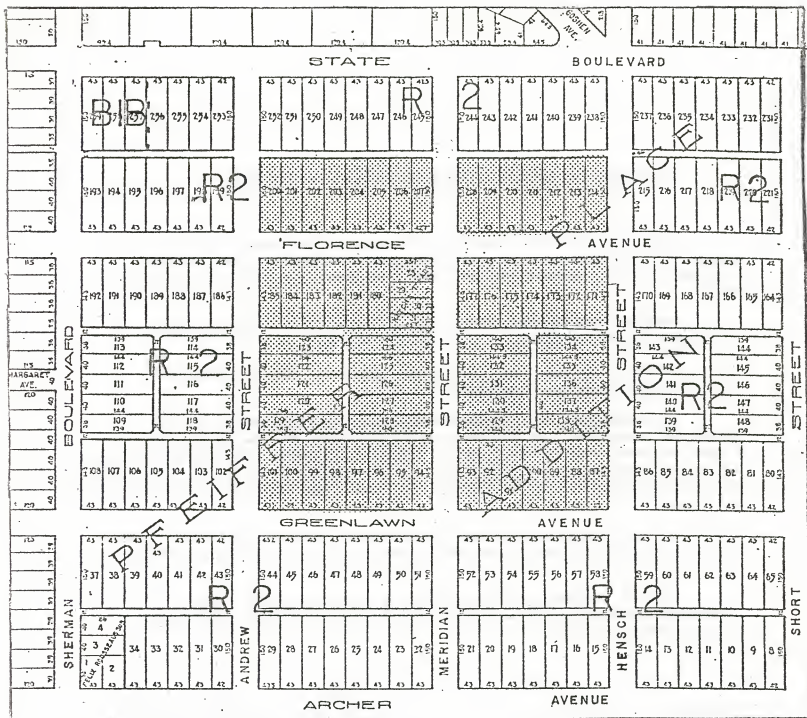
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1978.

Certified and signed this
26th day of September, 1978.



Luben Lazoff
Secretary





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment to the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-08-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of September 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held September 25, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-08-10
2. From "RA" to "R3"
3. Intended Use: Office for manufacturer's representative.
4. Plan Commission Recommendation: DO PASS with condition.

CONDITION:

The access to this property, in restrictive covenant form, shall be restricted to the use of Sheffield Drive only. In the event that Lots 234, 235, 236, 237 & 238 in Country Club Terrace Addition, Section "A" are commercially zoned and allowed access to Covington Road, the owners of Lots 232 & 233 in Country Club Terrace Addition, Section "A" reserve the right to negotiate use of such access with the owners or owner for ingress and egress from Covington Road, Fort Wayne, Indiana.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning &
Zoning


Gary H. Baeten
Senior Planner

GFB:pb

Attachments:

NOTE: Restrictive Covenant is attached.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, August 8, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-08-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will; be in the best interest of and benefit to the city, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

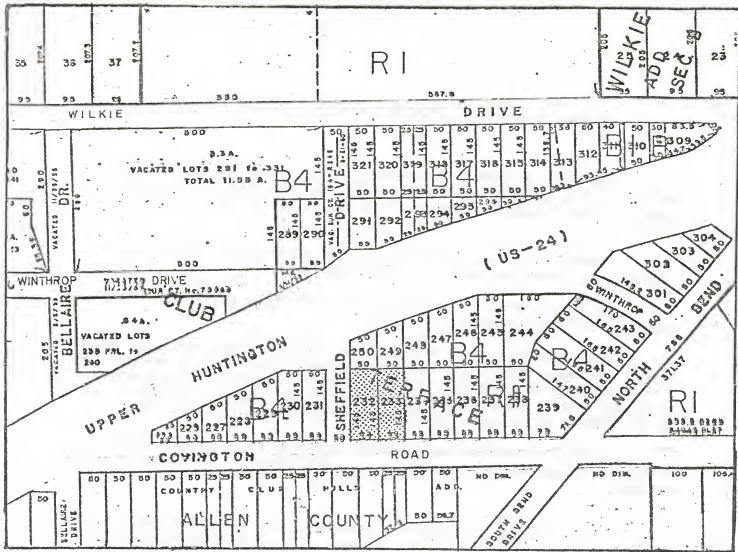
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1978.

Certified and signed this
26th day of September 1978.



Luben Lazoff
Secretary



REZONE FROM RA TO R3

MAP NO. E-3

Z-78-08-10

BY M.F.C. 7-17-78



RESTRICTIVE COVENANT

WE, LLOYD M. CONLEY and MARTHA E. CONLEY, husband and wife, each of full legal age, being the owners of the real estate in Allen County, State of Indiana, described as follows:

Lots 232 and 233 in Country Club Terrace Addition, Section "A", an Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof,

in consideration of permission to use said real estate for "R-3" zoning purposes, hereby covenant and agree, for ourselves, grantees, personal representatives, and assigns, as follows:

There shall be no ingress or egress to or from said real estate from Covington Road but ingress and egress shall continue from Sheffield Drive, Fort Wayne, Indiana. In the event that Lots 234, 235, 236, 237 and 238 in Country Club Terrace Addition, Section "A" are commercially zoned and are allowed access to Covington Road, we reserve the right to negotiate use of such access with the owners or owner for ingress and egress from Covington Road, Fort Wayne, Indiana.

This is not a personal covenant but shall run with the land and inure to the benefit of all owners of the real estate within 500 feet of said real estate and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

WITNESS our hands and seals, this 19 day of September, 1978.

Lloyd M. Conley (SEAL)
LLOYD M. CONLEY

Martha E. Conley (SEAL)
MARTHA E. CONLEY

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 19th day of September, 1978, personally appeared LLOYD M. CONLEY and MARTHA E. CONLEY, Husband and wife, each of full legal age, and acknowledged the execution of the above Restrictive Covenant to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

Bertsaal Ann Collins
Notary Public
A resident of Allen County, Indiana

My Commission Expires:

January 10, 1984



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

Bill No. G-78-08-35

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of September, 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 September 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one street vacation acted upon by the City Plan Commission at their regular meeting held September 25, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-08-35
2. Intended Use: Building Expansion of Perfection Biscuit Company
3. Plan Commission Recommendation: DO PASS

If there are any questions with regard to this ordinance please feel free to call on us.

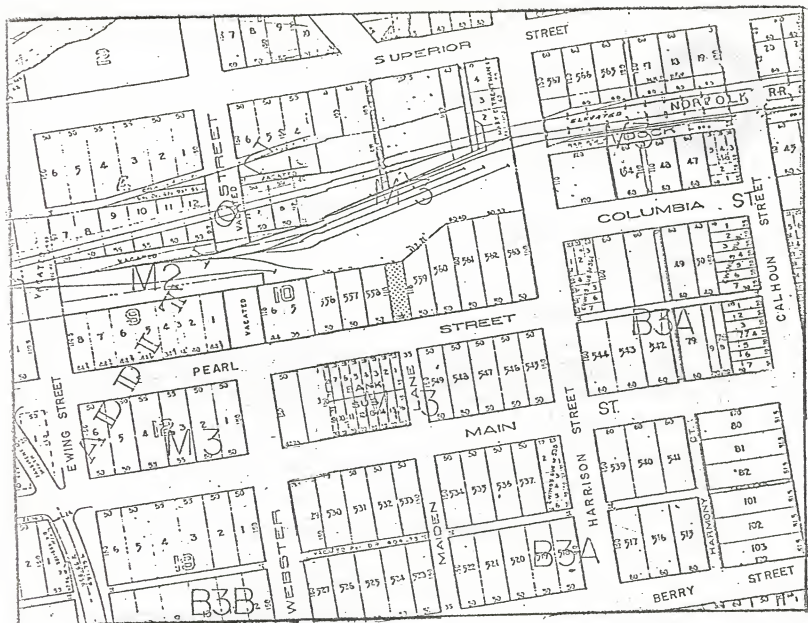
Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning &
Zoning

Gary F. Baeten
Senior Planner

GFB:pb

Attachments



VACATE STREET

MAP NO M6

G-78-08-35

BY M.F.C. 6-8-78



R E S O L U T I O N

WHEREAS, the PERFECTION BISCUIT COMPANY, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Maiden Lane north of Pearl Street and South
of the Norfolk and Western rail tracks

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication, thereof; and,

WHEREAS, said public hearing was held on September 18, 1978 at 7:30 P.M. o'clock, and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)


) SS:

COUNTY OF ALLEN)

I, Luben Lazoff, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 25, 1978, and as the same appears or record in the official records of said Plan Commission.

DATED THIS 26th DAY OF September, 1978

FORT WAYNE CITY PLAN COMMISSION


Luben Lazoff
Secretary

11-8 127/78

R E S O L U T I O N 66-179-8

WHEREAS, the PERFECTION BISCUIT COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Maiden Lane north of Pearl Street and South
of the Norfolk and Western rail tracks

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and through the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting on September 27, 1978 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 27 DAY OF September 1978

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 10th day of October, 19 78 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 17th day of October, 19 78.

Charles W. Westerman
Charles W. Westerman
City Clerk